

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Manabu Tokunaga

Serial No.: 10/772,094

Filed: February 4, 2004

For: Power Tools



Group Art Unit: 3721

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the RCE application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Jeffrey A. Miller

Name of Person Mailing Paper

May 28, 2004
Date of Deposit
DOCSSV1:270152.1

Signature of Person Mailing Paper

- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
 - The fee due under 37 CFR § 1.17(p) is submitted herewith.
 - A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e)

- Some of the items contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- A check in the amount of _____ is enclosed for the above fee(s).
- Please charge \$0.00 to Deposit Account No. **15-0665** for the above fee(s).

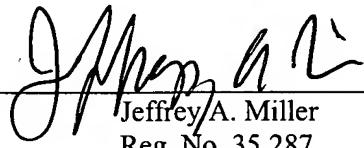
The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe LLP's Deposit Account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: May 28, 2004

By:



Jeffrey A. Miller
Reg. No. 35,287

4 Park Plaza Suite 1600
Irvine, California 92614-2558
(650) 614-7660



**FORM PTO-1449 (10-96 MODIFIED)
LIST OF PUBLICATIONS FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENT**

| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | <i>Complete if Known</i> | | | |
|--|----|--|------------------|-------------------------------|-----------------|-------------------------------------|--------------------------|
| | | | | Application Number | | 10/772,094 | |
| | | | | Filing Date | | February 4, 2004 | |
| | | | | First Named Inventor | | Manabu Tokunaga | |
| | | | | Group Art Unit | | 3721 | |
| | | | | Examiner Name | | | |
| Sheet | 1 | of | 1 | Attorney Docket Number | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| Examiner Initials | | Patent or Publication No. | Date | Name of Patentee or Applicant | Class/SubClass | Filing Date (if appropriate) | |
| | AA | 5,457,866 | 10/17/1995 | Noda | 29/407 | 03/07/1994 | |
| | AB | 6,371,218 | 04/16/2002 | Amano, et al. | 173/183 | 06/09/2000 | |
| | AC | 20020175656 | 11/28/2002 | Matsunaga | | 05/08/2002 | |
| FOREIGN DOCUMENTS | | | | | | | |
| Examiner Initials | | Publication Document No. | Publication Date | Country | Class/SubClass | Translation (Abstract) | |
| | | | | | | Yes | No |
| | BA | JP 57-201177 | 12/09/1982 | JAPAN | B25B 23/147 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | BB | JP 06-206172 | 07/26/1994 | JAPAN | B25B 23/151 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | BC | JP08-290368 | 11/05/1996 | JAPAN | B25B 23/151 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | BD | JP2000-210877 | 08/02/2000 | JAPAN | B25B 21/02 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | BE | JP2002-154063 | 05/28/2002 | JAPAN | B25B 21/02 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | BF | JP2001-277146 | 10/09/2001 | JAPAN | B25B 23/14 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | BG | JP2001-341079 | 12/11/2001 | JAPAN | B25B 23/14 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| OTHER DOCUMENTS | | | | | | | |
| Examiner Initials | | Author, Title, Date, Pertinent Pages, Etc. | | | | | |
| | | | | | | | |
| | | | | | | | |
| Examiner Signature | | | | | Date Considered | | |

* **EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.